

**MINUTES**  
**of the**  
**OFF-HIGHWAY VEHICLE ADVISORY GROUP (OHVAG)**  
**of**  
**ARIZONA STATE PARKS**  
**MEETING OF AUGUST 3, 2007**  
**ARIZONA STATE PARKS OFFICES**  
**1300 W. WASHINGTON ST.**  
**PHOENIX, ARIZONA**

**A. CALL TO ORDER AND ROLL CALL**

Chair John called the meeting to order at 1:04pm. Ruth Shulman called the roll, and advised the Chair that a quorum was present.

Committee Members Present:

Hank Rogers  
Jim Schreiner  
Sandee McCullen  
Pete Pfeifer  
Rebecca Antle

Committee Members Absent:

Mike Sipes, Vice-Chair

Arizona State Parks (ASP) Staff:

Dan Shein, Chief of Resource Management  
Amy Racki, OHV Coordinator  
Robert Baldwin, Recreational Trails Grants Coordinator  
Ruth Shulman, Advisory Group Coordinator

Other Individuals Present:

Tammy Pike, US Forest Service (USFS)  
Ira Domskey, Arizona Department of Environmental Quality (ADEQ)  
Johanna Kuspert, Maricopa County  
David Shaw, Maricopa County

**B. INTRODUCTION OF MEMBERS AND STAFF**

Members and Staff introduced themselves.

## C. ACTION ITEMS

### **1. Approval of Minutes from the May 4, 2007 meeting.**

Jim Schreiner moved that the minutes of the May 4, 2007 be accepted as written. Hank Rogers seconded the motion, which carried with no further discussion.

### **2. Consider Funding for FY2007 Recreational Trails Program (RTP) (Motorized Portion) Grant Applications.**

Bob Baldwin spoke regarding the Staff recommendation for funding the FY 2007 Recreational Trails Program (Motorized Portion) grant applications. The Staff recommendation can be found on page 18 of the agenda packet. At the May 4<sup>th</sup> OHVAG, the Group reviewed the two eligible applications received. These applications requested a total of \$363,826. The review team met and scored the applications per the criteria in the grant manual, and the full details of the projects can be found on pages 19-22 of the agenda packet. All requested items were found to be eligible, and no recommended changes to the requested funding were made.

This year \$376,203 dollars are available from the FY 2006 RTP budget. This also reflects the \$167,000 repaid to the non-motorized RTP program as discussed at the May 4, 2007 OHVAG meeting. The budget for FY 2006 is used with the exception of \$9,076 carried over to FY 2007 grant cycle. These funds will be combined with FY 2007 allocation of \$560,000. Added with the anticipated allocation for FY 2008, Bob Baldwin anticipates approximately \$1.2 million available for grants next year.

A cap on grant awards was established by OHVAG at \$280,000, which did not affect any applications in this cycle. Both applications scored above 80 points so they are both considered “high-priority” projects as defined by the Arizona State Parks Board (ASPB). Staff recommends funding both applications, from the BLM-Kingman Field Office and the Tonto National Forest for a total of \$363,826.

Sandee McCullen moved that the Recreational Trails Program (Motorized Portion) funding be approved for the BLM-Kingman Field Office and Tonto National Forest applications at \$363,826, and that this recommendation be forwarded to the Arizona State Parks Board for final action. Pete Pfeifer seconded the motion, which carried with no further discussion.

Sandee McCullen said that RTP had sent a questionnaire out looking for recommendations on amendments/changes/additions to the program.

Sandee McCullen noted that she had sent the questionnaire to Amy Racki and/or Bob Baldwin, and asked if ASP had replied. Amy Racki said that the questionnaire came from the Federal Highway Administration, and that ASP had not replied. Sandee McCullen said that Arizona OHV Coalition had responded, recommending an increase in the funds allowed under the program for OHV education, as did many respondents. She offered to send Amy Racki a copy of the Coalition's responses.

### **3. Consider OHV Program New Policy.**

OHVAG had previously asked at the May 4, 2007 meeting for a policy statement that available funding be limited to agencies that provide OHV recreation opportunities balanced with resource protection, versus agencies that solely close areas to OHVs. A draft of the statement can be found on page 23 of the agenda packet. A review by the Assistant Attorney General for Arizona State Parks remains to be done, so action on this statement may be premature.

Amy Racki read the text from page 23. She said that several questions arose while drafting the text. One question is, what is the definition of "recreation opportunities balanced with resource protection" for the purposes of this statement. Another question is, how far will this statement lock out certain activities such as patrolling by Maricopa County Sheriffs in support of the OHV Ambassadors program. Amy Racki noted that the National Park Service (NPS) patrols the Cinder Hills area because it is located near Sunset Crater. The NPS does not provide OHV recreation opportunities, though there would be advantages to perhaps forming partnerships with the NPS in this instance. Amy Racki said that she was looking for input, whether now or if the Group wanted to take the draft home to review for later discussion. Sandee McCullen clarified that the purpose of the policy statement was to ensure that OHV money stays with OHV issues. The issue seems to be finding the right wording to accomplish that. Pete Pfeifer noted that he feels there should be a balance between enforcement and enhancement. Chair John said that enforcement sometimes amounts to user education. He also feels that funding route inventories that result in more route closures is counterproductive.

Hank Rogers maintained that there should be no funds available to anyone closing routes at all. Drew John noted that route inventory helps agencies make informed decisions on which routes can be closed without creating a burden on users. Amy Racki said that the statute, as well as the Federal fund guidelines, allow for a certain amount of funding be spent on mitigation. She feels that the current program provides for a good balance. Chair John asked the OHVAG members to provide Amy Racki with draft wording recommendations by eMail. Further discussion followed on balancing mitigation with opportunities.

#### **4. Consider Revision of OHV Small Project Request Form.**

The Small Projects pilot program began last year. This program offers funding to agencies such as the Arizona State Land Department (ASLD), Bureau of Land Management (BLM), and the US Forest Service (USFS) for OHV related projects costing \$10,000 or less. The projects must be completed within 12 months of funding using a single page application. There are no extensions on unfinished projects; applicants would need to reapply. Amy Racki said that the Small Projects program was not set up in competition with the RTP grants program already in place, however there was some evidence that applicants were “breaking” larger projects into smaller projects to qualify. A new application form with revised wording was rolled out. The program has been a success so far and popular with the agencies. The projects funded during this application year were reviewed at a prior OHVAG meeting.

Pages 25 and 26 of the agenda packet contain the revised form for the next application year. This form must be approved shortly to be in line with the Federal fiscal year.

The major revisions were:

Bullet point one under eligible projects: removed the words “and dissemination...” from the description. It was felt that those words were too vague, and could allow agencies to have staff time paid for. The topic can be revisited.

Another change was to remove “Contract certified law enforcement official(s) time”. This area had been tested, and found to be underutilized by agencies for providing more on-the-ground presence. Also, there was overlap between jurisdictions, and with the OHV Ambassadors program.

Those were the deletions under the eligible projects heading. One addition to the eligible projects heading was to add National Environmental Policy Act (NEPA) funding for cultural and environmental surveys. Ten percent of the funding under Small Projects will be available for NEPA surveys.

One logistical change was to make the payments under Small Project available in two disbursements rather than one lump sum payment. This change will make it easier for land management agencies to purchase materials separately when necessary. Other small changes helped to make it clearer that the projects needed to be separate and distinct, including geographic separation, in order to keep Small Projects from competing with the grant program.

Sandee McCullen said that she does not want to see money go toward staffing for the event trailer to attend events. Amy Racki noted that when ASP staff is available, they attend events with the trailer. She also noted that paying for staff from the land management agencies is not eligible in any case. Sandee McCullen would like to see the promoters of events be responsible for at least part of the cost of staffing event trailers, even if funding the trailer visit with one staff person is an eligible item. Chair John said that sending the trailer and staff person fulfills part of OHVAG's mission to help educate the public. However, he feels that placing a burden on event promoters may possibly squelch the opportunity represented by the trailer and staff. He does see the potential for abuse at a later date as well. Amy Racki suggested maybe saying "contracted dissemination of educational materials" to prevent paying for existing agency staff.

Rebecca Antle suggested reviewing this item again next year to see how this provision works this year. Sandee McCullen said she wants to avoid any possible abuse of the privilege, however she sees the value in monitoring this segment of Small Projects for a year.

Chair John said that the ultimate purpose of the Small Projects program is the assist land managers by funding OHV projects. Education is an OHV project as well. Sandee McCullen said that she feels the OHV community also bears some of the responsibility for providing education. ASP would be providing a trailer and educational materials; the community should be able to provide staffing.

Bob Baldwin noted that, as a project, information dissemination resembles trail maintenance and building projects. You can put shovels out on the trails, but without a person to wield the shovel, no work can get done. Providing the trailer and the education materials is no different than providing the shovel. If it's a normal workday, and staff is scheduled to be at the event anyway, then funding should not be available for staff. If, however, the event takes place outside the normal schedule, then funding should be available, just as it would be for trail work.

Sandee McCullen said that she would like some clarification about removing the eligibility of law enforcement contract hours, and how that overlaps with the OHV Ambassador program. Amy Racki said that, within the OHV Ambassador pilot area, the Ambassadors are in radio contact with Sheriff's personnel. Amy Racki feels that contracting for a city police department in the same area may not be the best utilization of funds. One other item to take into account is that paying for overtime for existing staff at an event is not eligible. Sandee McCullen feels that the OHV Ambassadors, particularly in the first year, will be spread thin. The Granite Mountain area is a very large area, and more patrol staff would

likely be more desirable. This is also true of the Table Mesa area. She sees the need for “beefing up” the patrols at least until the OHV Ambassador program is strengthened. Chair John said that this is also an area that could suffer some abuse if not monitored closely. Amy Racki reminded OHVAG that Small Projects are available only to ASLD, BLM and USFS, and at least for the year just past, the law enforcement eligibility did not appear to have suffered any abuse by the land management agencies. The most abuse came from agencies using Small Projects to avoid the grant program process. Sandee McCullen suggested keeping the law enforcement eligibility the same as it has been at least until the Ambassador program gets “up to speed”.

Rebecca Antle asked how the available funding amount for each agency was chosen. Amy Racki said that the amount was based on, for example, the number of USFS Ranger Districts. There are 27 USFS Ranger Districts so each district is eligible for one project, but only eight BLM Field Offices, which is eligible for three projects per office. Originally the ASLD was eligible for projects only within the pilot areas, however that was revised to allow ASLD statewide four projects during FY2007. Rebecca Antle asked which agency applied for more projects. Amy Racki said that the number of applications had been relatively equal across land management agencies (BLM and USFS).

Sandee McCullen expressed reservations about providing any funding to ASLD. She would like to see that agency be more open to OHV opportunities in general before they are eligible for funds. Amy Racki said that the partnership with ASLD should not be “killed” but developed further if at all possible. If they meet the eligibility criteria, ASP cannot refuse to fund.

Chair John asked for a motion, however Amy Racki noted that as long as the comments are on record no motion is needed. OHVAG approves the small changes, but would like to retain the verbiage regarding information dissemination though not using existing staff, and the law enforcement contract eligibility provisions, both of which would be reviewed again next year. Amy Racki will make the changes and make the application available to the agencies.

Tammy Pike noted that one reason why the USFS did not apply for any law enforcement assistance was because it was not clear whether the USFS could contract with outside law enforcement agencies. This issue is being investigated. Tammy Pike also noted that the USFS was happy with the projects they were able to fund that would not have been funded without the Small Projects program.

#### **5. Discuss State OHV Program Developments.**

Amy Racki noted that this is an update on the OHV program funds. An OHV Ambassador training session will be held September 15-16, 2007 at the AGFD's Ben Avery facility. Troy Waskey has been working closely with all of the OHV partners to create a comprehensive training program for the first "class" of OHV Ambassadors. Of the dozens of applications received, approximately 25 trainees will be accepted for the program. Those individuals will be notified within the next 2-3 weeks. OHVAG can be provided with the draft manual via eMail. The first day of training is designed to cover such topics as defensive driving, working effectively with people, and situation reaction processes. The second day will be either ATV safety training through the ATV Safety Institute (ASI), or motorcycle safety training through the Motorcycle Safety Foundation (MSF) as appropriate. The proper use of sandrails will be covered through the defensive driving course. She also noted that the OHV Ambassador program was featured on the local news, with a brief video clip of Troy discussing the program. This represents a positive news item for OHVs in Arizona. Another positive promotion is the OHV Ambassador trailer. The trailer has arrived, and still needs to be wrapped with the graphics, which is expected to be completed and ready for use by the end of the month. Amy Racki passed around draft graphics for the Group. Further discussion followed on the trailer graphics. There may be a second trailer for use in the Tucson area, or possibly in Northern Arizona during the pilot phase with a different regional graphic design. The current trailer will attend the upcoming Jamboree event in Eagar.

ASP has been working with a group at Granite Mountain and other partners to produce a cross-jurisdictional map of the area for official use only to provide to volunteers. This map represents a great example of teamwork and partnerships.

The Arizona State Trails Conference will be held October 4-6, 2007 for motorized and non-motorized trails users. Information and a registration form is available on the ASP website, and Conference posters were included in OHVAG's agenda packet for this meeting for members to post/distribute. Amy Racki solicited volunteer assistance for tasks to be done before, during and after the Conference, and passed around a sign-up sheet listing tasks.

Dan Shein, Chief of Resource Management, noted that the Conference is also be marketed to members of the State Legislature as well as Arizona's Congressional delegation. Any attendees from the legislative sector will be "comped". Amy Racki noted that Friday, October 5<sup>th</sup> contained the bulk of educational and discussion sessions which would be particularly useful for policy-makers. Trail building, a trail ride, and ATV safety training will be held on Saturday, October 6<sup>th</sup>. The training will also be held before the

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Conference officially opens on Thursday, October 4<sup>th</sup>. She also noted that the BLM had made a \$7,000 sponsorship, which helped keep the registration cost down to \$95, which includes meals. Further discussion of the events and Conference “agenda” followed. Amy Racki also provided a copy of the OHV Ambassador application, as well as being available on the website.

Sandee McCullen noted that the scheduled ride to Alto Pit on Saturday will also feature some 18 miles of trails built with the SWECO trail-building mini-dozer. Hank Rogers noted that Alto Pit and connections can be a long ride or not, as riders prefer. Chair John noted that Jeff Gursh will be leading the ride.

Amy Racki also noted that the Conference is being marketed to Arizona’s universities and to out-of-state entities as well. ASP is looking for other channels through which to advertise the Conference in order to reach the broadest possible pool of attendees. The maximum number of attendees possible is 200.

Amy Racki said that the Statewide Comprehensive Outdoor Recreation Plan (SCORP) is in the final draft phase. This SCORP includes a section on OHV use, which is a new feature. The draft SCORP is online and can be reviewed, however the public comment period has passed. The Arizona Outdoor Recreation Coordinating Commission (AORCC) will review the draft on Thursday, August 9, and the ASP Board will consider the SCORP at their meeting on September 19. Chair John noted that the ASP Board should be invited to the Conference.

The OHV Small Projects Program application forms as well as the Route Evaluation application forms will be mailed to land management agencies soon. Route Evaluation is matched up to \$15/mile through OHV funds. ASP will attend the Natural Resource Conservation District (NRCD) Conference to be in Show Low this year, and hopes to partner with ASLD to provide some youth education programs through the NRCDs. Attending the Conference will give ASP some idea how the endeavor might function and whether there is interest.

The Dealer Packet Program held its first kick-off meeting. Chair John represented a portion of the dealers in attendance. There will be changes made to the pilot program based on insights from the meeting. Amy Racki will provide notes on the meeting to OHVAG shortly.

Amy Racki also said that the Desert Wells area clean up is ongoing and ASP has been working with AGFD, who is in the lead on the project. Several partnerships have formed to do the clean up. September 29, 2007 is National Public Lands Day, and the OHV trailer will be at the planned

clean up operation. There will also be movable lighted signs provided by ADOT to provide information and direction. Desert Wells has a large number of access points, some of which may need to be closed, and part of the area may fall into the air quality non-attainment areas, and there are other issues to be discussed at the final meeting with the group before clean up day. Though there is a lot of work to be done, ASP itself is unsure how much can be accomplished in this area at this time. ASLD must provide some further direction on whether the volunteers can work on the ASLD land and be covered through Arizona Department of Administration (ADOA) regarding liability insurance. Some of these same logistics affect the OHV Ambassador program. ASP commented on the proposed Federal Highways/ADOT plan to potentially build a route through the area. ASP provides comments on potential impacts on OHV areas primarily by referring to the Trails Plan.

Sandee McCullen noted that she is hearing some comments regarding Desert Wells from her constituency. There has been at least one comment regarding noncompliance with the original Memorandum Of Understanding (MOU) with ASLD. ASP is not part of the original MOU. Additionally, there are those who feel that putting more work into the area only to have it close would be counterproductive. Sandee McCullen asked Joe Sacco for clarification on the MOU comment. Joe Sacco said that the MOU had been closely reviewed and any issues were brought out and “daylighted”. There are limitations on what can be done in the area and with the agreement because of statutory concerns. Sandee McCullen noted that she had signs for the area in her possession, as well as three kiosks. She wants to know if it will be worthwhile to erect the signs and kiosks and go forward. Joe Sacco said that those signs and kiosks would be a good topic for the next Desert Wells meeting. Amy Racki said that working in the area and with the group is a direction ASP is taking.

Amy Racki noted that there is a landfill proposal for the Middle Gila district that will create more traffic in the Cottonwood Canyon area. Pinal County has called for public comment on this issue, and comments will need to be specific regarding trash, dust, traffic or other specific issues.

Sandee McCullen said that she had met with attorneys involved in the project recently. There have been few public meetings on the project. Some OHVs are okay with the project, however there are larger issues that have not been considered by those who approve. Sandee McCullen is working with a group to put out questions to the project developers, but the questions remain unanswered at this time. The attorneys told Sandee McCullen that six miles of right-of-way will be purchased from various land management agencies and paved. However, some of the land managers have not yet been contacted about this sale. Sandee McCullen also noted that the developers have offered to build a new OHV staging

area on their property, which will be on the same roads as large trash hauler trucks. The developers have noted that they may purchase further right-of-way strictly for OHV users, however. The Pinal County Board of Supervisors backs the plan so far, and it will be heard at their meeting in September. Still, unanswered questions remain.

Pete Pfeifer asked about progress on the Dealer Packet Program. Amy Racki noted that the kick-off meeting had just been held. The BLM is putting together some materials, which were reviewed at the kick-off meeting. One change requested by some dealers was that a posterboard-mounted map with rules and regulations be prepared. That way, they can point out specific areas and not have a packet of information to provide new buyers. Chair John noted that some dealers do not want all the informative flyers because they felt it was too much information; other dealers had the opposite opinion. Several versions will be made available for dealers to choose from.

Peter Pfeifer then asked about the support for the OHV Ambassadors demonstrated by the land management agencies. Amy Racki said that the agencies have put in quite a lot of time and work in support, especially the BLM, USFS and AGFD. They have been working on developing the training manual, as well as providing facilities for the training. The Maricopa County Sheriffs Department has been involved, as has the Scottsdale Police Department, which works in the Granite Mountain area. The ASLD is interested in the program, but has some issues to work out regarding volunteers on state lands. The partnerships formed have been incredible. Most agencies have provided time and some of their own funds. Pete Pfeifer then asked about insurance coverage for the volunteers. Amy Racki noted that the liability insurance is covered by the land management agencies, especially USFS and BLM. There may be a separate issue with the Apache-Sitgreaves Forest, which will be worked out, and there is also a probability that volunteers will be insured under State of Arizona liability coverage. Amy Racki then noted that first aid training will be covered under the OHV Ambassador training, including CPR, at a later date.

Chair John said that it might be a good idea to video some of the process of setting up the OHV Ambassador program to share with other states that may be interested. Amy Racki said that she had solicited input from other states, including manuals and ideas.

Jim Schreiner asked when the OHV Ambassador program might be in Coconino County. Amy Racki replied that it may be as soon as the end of the pilot program in 2008. The pilot will most likely expand into more of Pinal County and into Yavapai County next, and that other OHV site managers may need to apply to participate in the future.

#### **6. Discuss OHV Media.**

Rebecca Antle noted that a less-than-positive article on OHV use in Arizona had been published in a recent issue of the Arizona Republic newspaper. She wanted OHVAG to brainstorm more positive ways to portray the OHV community.

Tammy Pike said that she had been interviewed for the article and had provided information to the article's author. However, the information was not used in the article. Chair John noted that the OHV Ambassador program will be a source of good publicity, and that perhaps Troy Waskey's brief appearance would help.

Amy Racki said that ASP anticipates reviewing their role in supporting positive OHV publicity. To this end, Ellen Bilbrey, ASP's Public Information Officer, will be coordinating with Amy Racki and highlighting the partnerships and OHV educational efforts. Rebecca Antle suggested promoting organized riding groups, not specific organization necessarily, but more the importance of getting the educational support from experienced riders.

Chair John suggested that smaller, local newspapers might be easier places to promote the positive efforts of OHV groups. A newspaper that covers an entire state will be "tougher" to work with. Rebecca Antle also noted that input from land management agencies will help as well.

#### **7. Discuss OHV Legislation.**

Chair John said that positive news "spin" may help to pass the OHV legislation, which will be reintroduced this year. He said that the meeting of the County Supervisors Association targeted OHV legislation as one priority for passage. He also noted that if the legislation passes rapidly, but is "bad" legislation that would be another source of negative news. Joe Sacco and Chair John had met with Representative Weiers, members of the AGFD Commission, representatives of The Nature Conservancy and the Sierra Club and others recently to discuss the legislation and strategies to help ensure the passage of the bill to be submitted. Chair John said that he felt that Representative Weiers, who introduced last year's bill, would introduce essentially the same bill in the upcoming session. Representative Weiers also felt that if changes were made, it would make the bill more vulnerable. Chair John also said that he had urged the environmental groups to read and announce approval this year to help the bill pass. Further discussion of environmental involvement followed. He also noted that one outcome of the meeting was that this year, the bill would need a

champion from the Arizona Senate. Senator Jake Flake may be the person for the job.

Chair John and Hank Rogers said that they had also met privately with Senator Flake. The Senator said that he may support the bill, but may introduce changes. His support is necessary to success and the Senator's lack of the support last year may have contributed to the defeat. Further discussion about the necessity of Senator Flake's support followed.

The Jamboree event in Eagar will be a good opportunity to garner the support necessary to pass an OHV bill by providing a forum for interested legislators to meet and begin working together to develop a co-sponsorship. A number of legislators have committed to attending the Jamboree.

In addition to the Jamboree event as a forum to develop working relationships between legislators in favor of the OHV bill, Chair John also noted that he had discussed OHV legislation with the members of the County Supervisor's Association at their recent meeting. He asked the supervisors to bring the issue back to their individual counties for discussion and to develop support for a bill. Hank Rogers also noted that OHVAG members and their constituents should inform their individual representatives that they support OHV legislation. Sandee McCullen said that the OHV Coalition has already budgeted a campaign to develop support for the bill.

Chair John said that Representative Weiers would like to see an OHV-themed "Legislature Days" event put on similar to those done by AGFD. There would be booths by various groups and land management agencies, as well as a number of street-licensed OHV riders to circle the Capitol. This will help contribute to educating legislators on OHV issues.

Rebecca Antle asked when the bill would be reintroduced. Chair John said that the new bill would be introduced in January 2008; the drafting of the bill to be introduced should be completed by September or October. Additionally, it should be clear that The Nature Conservancy and the Sierra Club support the bill and that they are comfortable with the environmental portions of the State Parks grant application, who is actually responsible for ecological protection of OHV routes. Amy Racki will prepare to discuss the issue as necessary. OHVAG should in turn be prepared to keep her informed.

## **D. PRESENTATIONS**

### **1. OHVs and Air Quality**

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Johanna Kuspert and David Shaw from the Maricopa County Air Quality Department and Ira Domskey from the Arizona Department of Environmental Quality (ADEQ) attended this meeting to provide an overview of how the new air quality standards legislation for Arizona will affect the use of OHVs.

Johanna Kuspert noted that Senate Bill 1552, regarding air quality, was passed by the Legislature recently. There are now some state statutes being amended as a result of this legislation passing. Some of the statutes apply statewide; others pertain to cities and towns, and/or counties. She has been reviewing the statutes to determine what is the responsibility of Maricopa County under the new rules. One rule is for the county to draft an ordinance, which has not yet been done. There will be public workshops to review the draft, to which OHVAG is welcome to attend and provide input. One section of the legislation would require the county to include in their ordinance provisions to prohibit parking and use on unpaved or unstabilized vacant lots, and to prohibit OHVs from operating on unpaved roads during high particulate matter pollution advisory days. Sandee McCullen asked if this applied to all of Maricopa County or only non-attainment areas. Johanna Kuspert replied that the statute specifies that the rule applies to "Area A". Area A is defined on a map as Maricopa County, a portion of Pinal County and a portion of Yavapai County. Further information will be available on the Maricopa County Air Quality website soon. Area A's boundaries were set in part by the EPA to encompass areas with particular pollution problems including ozone, particulate matter, and carbon monoxide. It's slightly different than the PM-10 non-attainment area.

Ira Domskey said that the objective for using the Area A designation is to keep the non-attainment area from growing while addressing the air quality issues within as wide an area as possible.

Sandee McCullen said that the Area A designation would be the major challenge for the OHV community. Johanna Kuspert said that would be a challenge, as well as making sure users know when high pollution advisory days occur. Maricopa County has a 24-hour recorded message with that information. High pollution advisory days generally occur between October and February. Sandee McCullen asked if the phone message was available only Monday through Friday, or all seven days. Johanna Kuspert replied that the phone message is available 24/7. A high pollution advisory is called for a twenty-four period, so the message might say that a high pollution advisory is called for the next 24-hour period. Sandee McCullen asked if the advisories referred only to emissions. Johanna Kuspert said that high pollution advisory days generally refer to particulate matter. Sandee McCullen wants to be certain that information is clearly comprehensible by the OHV community as it is being communicated.

Ira Domskey said that ADEQ does the pollution forecasting. The forecast is completed everyday before noon, except on Saturdays, and is broadcast by 1:00pm for the following day. Carbon monoxide, ozone and particulate matter all figure into the high pollution advisories. Maricopa County also announces "no burn days"

which also hinge on the ADEQ forecast for the following day. The Valley Metro distribution usually broadcasts the advisories since they reach a wide network through the Travel Reduction Program. The Arizona Department of Transportation (ADOT) also publishes the information on the freeway electronic signs. Ira Domskey said that one challenge for the future is ensuring that the information on advisories is disseminated to all parties affected by the new rules. There are also the landscaping businesses affected through use of leaf blowers and other gas-operated power equipment. ADEQ is looking into text messages for cell phones and other devices. There are many strategic and tactical challenges.

Hank Rogers asked for some clarification on how this information affects the OHV community, especially in more or less rural areas. Ira Domskey said that the rules right now affect Area A, which contains Granite Mountain and possibly Heiroglyphic Mountain Boulder Staging Area in Maricopa County. He noted that if the facilities at either area contain an organized track, it may be possible that OHV user could still ride on high pollution advisory days. Information about OHVs is on page 4 and 23-24 of the legislation.

Sandee McCullen asked for statistics on the number of high pollution advisory days for the past couple of years. Johanna Kuspert said that for 2004 there was one high pollution advisory day; for 2005 and 2006 there were eighteen days in each year. Ira Domskey said that the rise was attributable to drought and adverse meteorology in those years.

Tammy Pike noted that the word “trail” should probably be mentioned in the rule, which does address roads and vacant lots. The rule for trails specifically should be addressed to make everything clear to the OHV public. Ira Domskey replied that on page 23, beginning on line 15 of the legislation lists five different situations where the ban on OHV use does not apply. These include tracks with dust abatement measures, organized events with dust abatement measures, closed courses, utilities using OHV for remote sites, farmers in their fields, and golf carts. Further discussion followed on golf carts and the difference between public and private land.

Tammy Pike was looking for a better definition of unpaved surfaces that are not public or private roads. Johanna Kuspert says that drafting the ordinance for the county is still in a very preliminary phase and some of these definitions need to be refined. Section 49457A literally says that a person shall not operate [an OHV] on an unpaved surface that is not a public or private road, street or lawful easement during any high pollution advisory day forecast for particulate matter by the Department. There are several definitions to this statement that need refining. However, it is relatively clear that OHVs can operate on public or private unpaved roads during high pollution advisory days. Tammy Pike would say that this prohibits use of the trails within Area A during high pollution advisory days. Ira Domskey notes that this rule would likely be in effect for approximately ten days an average year.

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Chair John said that the communication of this rule would seem to be the major challenge ahead as far as the OHV community. Johanna Kuspert said that Section 49457-04, page 24, specifically mandates printed materials approved by the Department for the education of the OHV community by those who sell or rent OHVs, and OHVAG should be included in the partnership to develop this material. Ira Domskey said that the materials would not be prepared by the Air Quality Department without input from interested stakeholders.

Tammy Pike asked whether mobile notification signs regarding the high pollution advisory days might qualify for Small Projects funding. These signs would be of help in keeping the public notified, especially in portal places. Chair John said that keeping the signage up to date would be a primary concern. Tammy Pike said that the signs could be up-to-date, and might perhaps be needed only for the first year of the new rule.

Amy Racki said that she would like to hear more about the bill especially regarding unpaved roads and shoulder and the development and implementation of dust control measures for those areas. The access points and staging areas for OHV are especially affected. Johanna Kuspert said that the legislation primarily focuses on restricting OHV use during high pollution advisory days. The issue of unstable, unpaved vacant lots also comes into play as an area where OHV use is restricted. This is covered at the moment by Maricopa County Rule 310-01, which requires, among other things, that property owners stabilize unpaved vacant lots. The new ordinance being drafted will primarily target vehicle operators. This means that for the same piece of property there can be several citations issued for both operators and property owners. However, under rule 310-01 if the property owner can demonstrate that their property has been disturbed by criminal trespass in spite of posted No Trespassing notices, the emphasis will be on targeting the vehicle operators.

Amy Racki noted that operators are frequently unaware of No Trespass signs because they have been removed in some fashion. Johanna Kuspert noted that all attempts at good enforcement are being made. The preliminary idea is to have the Sheriff's office patrol high-use areas at least once per month for the first six months, and to give trespassing operators some education as a first step. The immediate details are still being worked out, however the idea is to be as lenient as possible for the first warning, which will be educational. Repeated violations would be considered Class 3 misdemeanors, with fines imposed, or community restitution and/or a safety course. Education should go a long way to avoiding these sorts of issues.

Amy Racki asked about Section 49474-01 regarding vacant lots also mentions unpaved roads, unpaved alleys, and road shoulders and plans for dust control and/or stabilization. This applies to both Area A and Area B. Ira Domskey noted that this section obligates the county to take care of the unpaved roads, alleys and shoulders. He said that the State and Maricopa County, including its individual cities, are

obligated to reduce particulate matter in the air 5% annually until the air is clean. This is what the State Legislature mandated with the new legislation.

There are possibly 20 different programs for particulate matter encompassed by Senate Bill 1552, of which the OHV restrictions are a relatively small part. Many of these restrictions apply to the greater Phoenix Metro area only. The vast majority of the state is unaffected by the OHV restrictions. He also noted that no one is assuming that there will be 100% compliance to the rule in any case.

Rebecca Antle asked how easy it would be to expand the boundary of Area A. Ira Domskey said that it would be relatively difficult to expand the boundary. He said that the EPA and Governor Napolitano's administration have been holding discussions about the non-attainment area for ozone pollution. That boundary has been set at Eastern Maricopa County and the Apache Junction area. If the EPA decides that the ozone boundary is too small, or there is a lot of comment from people who suffer from air pollution, that boundary might change. Neither ADEQ nor the Maricopa County Air Quality department has any control over the actions of the EPA with the regard to boundaries.

Sandee McCullen asked about getting clarification on the areas of Pinal County contained within Area A. Ira Domskey said that as far as Pinal County, Area A encompass Santan Park, but is not east of Highway 79.

Tammy Pike asked with regards to the Travel Management Plan being implemented by the USFS and BLM and have the issues prioritized, would it be possible to discover how much recreation, including OHV recreation, is a part of the problem. Prioritization of these efforts will be much easier if one can say that OHVs are, for example, 5% of the problem. Ira Domskey said that those sorts of numbers would be very difficult to determine because of the variables. In some small areas, the OHV problem could 90% of the trouble. For the most part, OHVs are likely a very small part of the problem, but for those areas where OHV use is high, those living with dust or pollution sensitivities are greatly affected. Tammy Pike would like to have air quality monitors set up in the Tonto National Forest if possible. Ira Domskey noted that there are portable monitors available, but they are generally reserved for emergency response efforts, such as large industrial fires, however it may be possible to send one or two.

Johanna Kuspert said that public workshop meetings would be held shortly to help craft the ordinance. Amy Racki would distribute the information as it becomes available. Ira Domskey said that a detailed map (or at least an online link to one) of Area A would also be made available.

Amy Racki asked what would happen if the ASLD were unable to implement the dust control measures, paving or signing required under the legislation. She feels that their only option would be route closures. Ira Domskey said that another alternative would be to set up formal tracks and courses, which may be an expensive alternative,

but which would also allow OHV areas to be open even on high-pollution advisory days. Amy Racki then asked about Rule 310.1 if the USFS and BLM are considered dust generating operations, would the agencies be required to obtain a permit to allow OHV use on their lands. Johanna Kuspert said that Rule 310.1 as it exists now required that property owners keep their land stabilized as far as dust. Though revisions to the Rule are underway, they are not in effect yet. David Shaw, supervisor of the dust compliance section of Maricopa County Air Quality Division, noted that the onus for stabilization and dust control is on the landowner, who can be cited for excessive dust, whoever the landowner may be. Ira Domskey also said that under Rule 310.1, construction or businesses allowing OHV use could be considered dust-generating operations which are specifically defined under the Rule. Building roads and trails within, for example, a national forest might be exempt under the permitting sections of the Rule regarding earth-moving operations. Further discussion followed. Tammy Pike spoke about what might be required of the Tonto National Forest under this new legislation.

Chair John thanked the guests for their presentation.

(The meeting adjourned for a brief break at this time and reconvened at 2:50pm)

## **E. REPORTS**

**1. Chair's Report** – Please see comments in the section on OHV Legislation.

### **2. Staff Reports:**

#### **a) Update on ASPB Actions**

The ASPB approved the OHV program budget at their July 18-19, 2007 budget meeting.

#### **b) Update on Roadless Rule.**

The national Roadless Rule has been challenged in California court, and is currently on hold. The AGFD is responsible for putting a rule together for Arizona and has submitted a petition to the Governor. Copies are available from the Governor's office.

#### **c) Update on 2007 State Trails Conference**

(Please see comments under the State OHV Program Developments section.) Sandee McCullen wanted to remind OHVAG that a poster session will be held at the Conference. OHV organizations and scheduled events are encouraged to publicize themselves. Also the ASCOT will be putting together a display with photographs for both motorized and non-motorized recreation, highlighting and promoting both OHVAG and ASCOT's work.

**d) Report on Motorized State Parks**

OHVAG discussed the integration of an ATV safety training facility into the Lost Dutchman State Park, as well as overall integration of motorized recreation into State Parks. ASP Executive Staff is reviewing the Lost Dutchman plan and will comment.

**e) Notification of OHVAG Member Openings**

There will be three openings on OHVAG this year. Mike Sipes and Sandee McCullen have served the maximum term and will be ineligible for reappointment; Rebecca Antle has served one term of a possible two and is eligible to reapply to OHVAG. Hank Rogers asked how new members are appointed. Amy Racki noted that applications are submitted to Ruth Shulman who provides an informational summary of the applicants. OHVAG then reviews the applications and votes on a recommendation for new members. That recommendation then goes to the ASP Board for final approval and appointment of new members. The new terms begin on January 1, 2008. Geographical distribution and adequate constituent representation are important. Applications are due the last Friday in September.

**f) Update on RTP Motorized Grant Manual Revision**

Bob Baldwin said that applicants continue to have difficulty with the manual. Troy Waskey was able to look at the new manual and present the information in a fresh way that should help applicants complete better applications. The draft manual should be complete within the next few weeks and OHVAG will be solicited for comments.

There will also be a funding seminar conducted at the Arizona State Trails Conference Friday afternoon, and a grant application workshop will be conducted Thursday evening, October 4, 2007 from 4:00pm to 5:00pm. The seminar and workshop should be a good draw, and several OHVAG members will mention that aspect of the Conference. Applicants for motorized trails grants are required to attend one of the workshops.

**F. CALL TO THE PUBLIC**

None.

**G. SUMMARY OF CURRENT EVENTS, MATTERS OF BOARD  
PROCEDURE, REQUESTS AND ITEMS FOR FUTURE AGENDAS**

Pete Pfeifer asked for an update on route inventory with BLM and USFS. Tammy Pike noted that the Tonto National Forest has a webpage available on the Travel Management Rule. Legislation updates will be on the next agenda. Chair John asked for a report on media promotion for positive OHV news. Tammy Pike said that National Public Lands Day will be September 29; an OHV event on that date would likely generate media attention. The AGFD Outdoor event will not be held until March 2008, but participation in that event will also generate positive media attention. OHVAG members should send a list of upcoming event to Amy Racki for distribution. Tammy Pike said that events that involve USFS land can be promoted by the USFS Public Information Officer.

**H. TIME AND PLACE OF NEXT MEETING**

Friday, November 2, 2007 in Lake Havasu City, time and place to be determined.  
Saturday, November 3, 2007 will be the annual OHV outing/ride.

**I. ADJOURNMENT**

Chair John called for a motion to adjourn the meeting. Sandee McCullen moved that the meeting adjourn. Hank Rogers seconded the motion, which carried with no further discussion. The meeting adjourned at 4:32pm.